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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

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SUMMARY RECORD OF THE 1091st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 13 March 1995, at 3 p.m.

Chairman: Mr. GARVALOV

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Ninth, tenth and eleventh periodic reports of Romania (CERD/C/210/Add.4; HRI/CORE/1/Add.13) (continued)

1. At the invitation of the Chairman, Mr. Stanqu, Mr. Truter, Mr. Badica, Mr. Gavrilescu, Mr. Botescu and Mr. Marqineanu (Romania) resumed their places at the Committee table.

2. The CHAIRMAN, speaking as a member of the Committee and welcoming the comprehensive report and oral introduction, said that the encouraging developments in Romania, which had a bearing on the overall development of the region, were being observed with interest in his own country, Bulgaria, which was likewise undergoing a process of change. Even though a democratic environment had been created, Romania inevitably still faced some problems, which would take time to solve.

3. The Committee had encouraged States parties to provide statistics on the ethnic composition of the population in the past and Romania was to be commended for having provided so comprehensive a breakdown in paragraph 16 of its report (CERD/C/210/Add.4). He asked the Romanian delegation to specify who the Aromanians and Macedo-Romanians were.

4. He agreed with other members of the Committee that more information was needed on Romania's implementation of article 4 other of the Convention and that further steps should be taken to ensure compliance with that article. Referring to paragraph 37 of the report, he hoped that the wording of the provisions of the new Penal Code concerning propaganda would be more in keeping with the wording of article 4 and not be confined merely, as at present, to "nationalist or chauvinistic propaganda". With reference to paragraph 39, the new provisions concerning freedom to form political parties were to be commended. By way of hypothesis, he asked what would happen if an existing political party propagated ideas which the Government regarded as contrary to the State. He looked forward to the adoption of the new Penal Code and hoped that it would fully meet the requirements of the Convention.

5. The steps taken to guarantee freedom of thought, conscience and religion and to recognize the various religious communities were to Romania's credit, as were the measures taken to provide education and vocational training for the various ethnic groups, including instruction in their own languages, such as Bulgarian. Did the statement in paragraph 102 that religious education was given in minority languages, depending on the denomination concerned, mean, for instance, that Bulgarians belonging to the Eastern Orthodox Church were able to attend church services conducted in the Bulgarian language?

6. In its dialogue with reporting States, the Committee consistently stressed the importance of human rights education, as provided for in article 7 of the Convention. It was therefore most encouraging to note in

paragraph 115 of the report that secondary school curricula included human rights and fundamental freedoms, including the rights covered by the Convention, in lessons on civics.

7. Mr. STANGU (Romania) said that the Committee's interest in and obvious understanding of the realities of the situation in Romania and its policy regarding the implementation of the Convention were of the utmost importance to his Government, providing as they did a new perspective on that situation and policy as viewed through the prism of the Committee's experience and expertise. He was particularly gratified to see that the Committee understood the process of continual change in Romania and the problems that entailed, particularly in the economic sphere. He was glad to report that the economic decline had been halted and that a modest upward trend was now in progress. Economic development was very closely linked to the establishment of a genuine democracy in which all citizens of various nationalities could enjoy decent living standards and participate equally in society.

8. He thanked the Country Rapporteur for his pertinent comments and questions, but had one reservation about his statement that Romania was a "multiracial" country. In order to understand the character of the Romanian State and Romanian policy, it must be fully appreciated that the overwhelming majority of the population - over 89 per cent - was Romanian, the second largest group, accounting for 7 per cent, being Hungarian. Any claim that Romania was multiracial or multinational called in question the fundamental concept of Romania as a single, unitary nation, a concept very dear to the drafters of the Romanian Constitution and one that was crucial to an understanding of its policy and also the legislation now under discussion regarding nationalities other than Romanian. That concept was also relevant to the question that had been asked about some of the provisions of the present Constitution that were not subject to revision, since the constitutional provisions in question concerned such matters as the independent, unitary and indivisible character of the Romanian national State, the republican form of government, national sovereignty, territorial integrity, political pluralism and the independence of the judiciary. Those were pillars of a genuinely democratic State organization which were enshrined in the Constitution as immutable principles, now and in the future. In the theoretical event that a future legislator might seek to amend those constitutional provisions, the case would be referred to the Constitutional Court, which, because of the exceptional nature of those principles, would have the task of finding such proposed revisions unconstitutional. The final decision on the adoption of any law rested with Parliament, which would take account of the Constitutional Court's ruling.

9. Another point to be emphasized and one which might have led to some confusion, was that the new Penal Code had not yet been adopted. The existing Penal Code, which dated from 1968 and had contained numerous anti-democratic provisions, had been subject to many amendments, including those he had mentioned in his oral introduction, but had yet to be fully revised. Examples of deficiencies that would be made good in the new Penal Code were provisions concerning punishment for criminal offences and those concerning associations of a Fascist character and "nationalist or chauvinistic" propaganda. That being said, he drew attention to the constitutional provision that international treaties to which Romania was a party were part of domestic law,

that constitutional provisions concerning human rights were interpreted and applied in accordance with the covenants and treaties to which Romania was a party and that international legislation took precedence over domestic law.

10. It must be borne in mind that, although hundreds of new laws had been adopted by Parliament since the 1989 revolution, the process took time and precedence was inevitably given to all-important political and economic priorities, with the result that a substantial body of legislation was still pending. Among the bills before Parliament were draft laws concerning nationalities and the status of aliens in Romania. Although parts of the old legislation were still theoretically in force, the mechanisms for their application had in many cases lapsed or been superseded by new democratic structures. For most purposes, aliens and stateless persons in Romania enjoyed the same legal status and rights as Romanians, the main exception being political rights. Another exception, currently under discussion, was the exclusion of persons who did not have Romanian citizenship or a domicile in Romania from the right to own property. Foreigners enjoyed the same rights as Romanian citizens with regard to the right to form associations and even trade unions.

11. On the subject of citizenship, the new Romanian Citizenship Act recognized the right of all Romanians who, for any reason, had lost their citizenship prior to the revolution to reacquire Romanian citizenship by merely declaring unilaterally that they wished to do so. All repatriated persons were entitled to all the political, economic and social rights guaranteed by law. There was no distinction as to their right to acquire movable or immovable property. They would also benefit from the new law now pending before the Chamber of Deputies providing for the return of property from which they had been unfairly expropriated under the Communist regime or for compensation where such property could not be returned. Some problems had arisen in seeking to reconcile the interests of tenants occupying dwellings that had been expropriated by the State and of their former owners. Various proposals were before Parliament and he did not wish to anticipate on the solutions ultimately to be found.

12. A number of questions had been asked about the situation of members of groups other than Romanians. With reference to a specific question about the reported transfer of a group of Gypsies to Romania under an agreement concluded between Romania and Germany, he said that there was an agreement, of a strictly technical nature, between the Ministries of the Interior of Germany and Romania, but it provided for the repatriation, in strict conformity with the domestic laws of each country, of undocumented persons in the territory of either State; measures to expel such individuals were applied on a strictly case-by-case basis and there was no question in the agreement of any particular ethnic group. Those repatriated to Romania were generally Romanian citizens, who by law retained their Romanian citizenship, which could never be withdrawn, even though they had been domiciled abroad. On their return, they could establish their domicile wherever they saw fit and were not interned or placed in camps. That persons who had taken the trouble to move illegally to another country might not wish to return home was normal, but any expulsions were always effected in strict compliance with the laws in force in the country concerned which the persons in question had breached. It was true that the agreement between Romania and Germany provided for the payment of a

sum of DM 31 million, which was to be used specifically for the professional and social reintegration of persons transferred to Romania under those measures. Romania was deeply grateful for any assistance in alleviating its very critical economic situation and enabling it to meet social, educational and other needs.

13. The situation in Romanian prisons was difficult. As a result of the crime wave, the total number of prisoners was now around 45,000. Any assistance that could be supplied in that connection would also be greatly appreciated.

14. As far as full employment was concerned it should be borne in mind that, since Romania was currently moving from a socialist economy to a market economy, the provision of jobs was less and less the responsibility of the State and increasingly regulated by the market, with some State intervention. Some convicted persons could perform useful work instead of serving prison sentences.

15. Legislation on an ombudsman did not yet exist, but it was in the process of being prepared.

16. Mr. TRUTER (Romania) informed the Committee that, in December 1992, the Romanian Government had expressed its desire to create a body to assist persons belonging to national minorities, of which there were 26 in Romania, although some groups represented two national minorities, as in the case of the Czechs and the Slovaks, for instance. In April 1993, the Government had decided to establish the Council for National Minorities, consisting of representatives of all national minorities and representatives of 12 Government ministries. The Council was coordinated by a secretary-general from the Government and had six standing committees. Each minority had the right to one vote in the Council, making a total of 18 in all; the 12 ministries, the secretary-general from the Government and the executive secretary had one vote each. It was thus not possible for the Government to block the proceedings of the Council. Each minority had the right to a veto if a decision of the Council was contrary to its interests. The Government could veto only decisions contrary to the law. The Council had been functioning for several years.

17. Difficulties had arisen because the Hungarian minority, which had initially agreed to participate in the Council, had decided to withdraw its representatives after four months because all its problems had not been solved.

18. The Council had its own budget, which had amounted to 200 million lei in 1993 and had increased substantially in 1994. The German minority accounted for 200 million lei, the Hungarians for 180 million lei and the Gypsies for 400 million lei.

19. In 1994, the Government had decided to grant large sums to provide national minority organizations with computers, video cameras and other facilities to enable them to function properly. The sums earmarked in the Romanian budget for the education and culture of national minorities were not

included in the Council's budget, which covered five types of expenditure, one of them being the press. The Council supported 38 national minority newspapers, including 8 in Hungarian, 5 in German, 3 in Ukrainian, 3 in Bulgarian, 2 in Serbian, 2 for Gypsies and 1 each in the other minority languages. The Council also paid the cost of accommodation, telephone calls, travel and attendance by national minorities at cultural festivals in Romania.

20. Article 6 of the Romanian Constitution required the State to recognize national minorities and guarantee their right to preserve, develop and express their ethnic, cultural, linguistic and religious identity. In 1991, the German Forum had been established and, subsequently, the Council for National Minorities. At present, a bill on the Hungarian minority was before Parliament. Moreover, the Romanian Parliament had decided to set up a special commission to consider a national minorities bill, under which a national minority would be defined by its members themselves. Article 38 of the bill provided for the restitution of nationalized property, such as housing and schools, that had been owned by national minorities. Also, the Council on National Minorities had decided to establish a special commission to study the problem.

21. The Romanian Constitution provided for the right of national minorities to be represented both in Parliament and locally. At present there were 53 representatives of national minorities in Parliament, including 39 Hungarians, who formed a separate parliamentary group. The electoral law contained a special provision to the effect that a national minority had the right to parliamentary representation if its candidate received 5 per cent of the vote required to elect an ordinary deputy. Three minorities had no representatives in Parliament: the Croats, who had insufficient votes, and the Jews and Albanians, who had presented no candidates. The minimum vote required to elect a national minority deputy was 1,219 in the whole country. The deputy with the highest vote had been a Gypsy deputy, with 60,000. A Germany deputy was chairman of the committee on human rights, worship and national minorities and a Hungarian was chairman of the Senate's labour and social committee. Two vice-chairman and three secretaries of standing committees were also representatives of national minorities.

22. At the local level, many representatives of national minorities had been elected in February 1992. Among the mayors elected, there were 84 Hungarians, 11 Germans, 9 Ukrainians and 8 Serbs. Among the deputy majors, there were 173 Hungarians, 10 Germans, 10 Ukrainians, 4 Serbs, 3 Slovaks, 3 Turks and 2 Gypsies. Elected local counsellors included 3,000 Hungarians, 84 Germans, 33 Ukrainians and 4 Gypsies. The situation in Romania was at present very difficult and the Government had decided to dismiss many mayors for very serious reasons, but no national minority mayor had been dismissed.

23. Representatives of national minorities also served in the government administration, where a Hungarian was the Director of Education and a German the Director of Culture. Within the Ministry of Education, there was a Directorate for National Minority Education. Gypsies were represented in the Ministry of Labour and Social Protection. Some ambassadors came from national minorities, as did some members of the Romanian Academy.

24. Since the 1989 revolution, political parties had been regulated by the Decree-Law of 31 December 1989. Parliament was in the process of discussing a bill on political parties which should be adopted in a few months' time. There were no political parties formed purely along ethnic lines. National minorities were assimilated to parties participating in national and local elections.

25. The Romanian Institute for Human Rights and the European Centre for National Minority Problems and Social Communication were two separate and independent institutions. The former made many technical studies of human rights; the latter had been set up by the Romanian Academy and had established a postgraduate school for national minorities in which national minorities, political parties, the Romanian Parliament, ministries and the police were represented.

26. The Gypsy problem was a European and not just a Romanian problem. In Romania, there were officially half a million Gypsies, who had many organizations and a deputy in Parliament. In 1994, the Government had held a meeting with all the Gypsy leaders and it maintained relations with all Gypsy organizations that wished to work with it. The agreement reached with Germany for the repatriation of Romanians without a visa covered all Romanian citizens, not just Gypsies. Under the agreement, Germany was helping Romania to establish vocational retraining centres open to all returnees from Germany.

27. The League for the Defence of Human Rights had been working with the Government for a long time. It had helped the Government with the 1992 elections and the Government had helped it to send delegates to various international seminars. Much information was exchanged with it.

28. As in all democratic countries, prefects were appointed by the Government and the party which had won the elections. The prefects of the two regions mentioned during the discussion were Hungarian-speaking Romanians well-acquainted with the local situation. The two sub-prefects were Hungarians. In the local elections in February 1992, 87 per cent of the persons elected in those regions had been Hungarians; the presidents of the regional councils were also Hungarians. That situation reflected the population structure and the results of the elections. There were also Hungarian deputies in other political parties, not only in the Hungarian Democratic Union.

29. There were ongoing contacts with non-governmental organizations representing Gypsies in Romania and the Government. At the Warsaw seminar for representatives of Gypsies, the Romanian Government had proposed the establishment of a coordinating centre for Gypsies in east central Europe, to be located in Bucharest, the establishment of a Gypsy cultural centre in Bucharest and the appointment of an ombudsman for Gypsies and a mission of moderators.

30. There was no anti-Semitism in Romania, only a few anti-Semitic incidents, as the new President of the Federation of Romanian Jews had stated before the United Nations in New York. In any case, there were only 9,000 Jews in the country, of whom 7,000 were around 80 years old.

31. In 1993, the Government had begun to train specialists in the human rights of national minorities. A seminar with the participation of United Nations officials had been held in Bucharest and the Government was cooperating with the European Centre for the Rights of National Minorities.

32. The Romanian State recognized six different religions, although anyone could practise the religion of his choice. Religious education was funded by the State. In Romania, 89 per cent of the population was of the Orthodox faith.

33. It was true that part of the national minority population had been deported to Russia under the Communist regime, especially in the period after the Second World War. The Romanian Government regretted those events. In 1993, it had provided 54 million leis for the reconstruction of destroyed houses and 37 million leis in 1994.

34. Romania was experiencing many problems in its transitional period but, with the help of international organizations, they would be overcome. He had been instructed by his Government to invite the Committee to visit Romania to see the situation for itself and to hold consultations on it.

35. The CHAIRMAN thanked the Romanian delegation for that invitation.

36. Mr. BOTESCU (Romania) said that there had been a number of clashes between different ethnic groups, some of which had been mentioned in the report (CERD/C/210/Add.4, paras. 52 and 53). However, he felt that they were not primarily ethnic in nature, but were rather due to the country's economic problems and the rise of organized crime, which the law enforcement agencies were finding it difficult to deal with. There had been a number of cases of murders by Gypsies, which had led to reprisals from local inhabitants; the police had investigated the cases and the alleged culprits would soon be brought to trial. The Ministry of the Interior had proposed the establishment of a national crime prevention council and was working on the plan with human rights organizations and representatives of the Gypsy population.

37. All ethnic groups were represented in the police force and police officers were now receiving training in the application of human rights standards in their everyday work as part of the overall reform of the Ministry of the Interior.

38. Mr. GAVRILESCU (Romania), referring to the relationship between international law and Romanian domestic legislation, said that the relevant articles of the Constitution were article 11 and article 20 (HRI/CORE/1/Add.13, paras. 77, 78 and 82). Article 11, paragraph 2, stated that treaties ratified by Parliament in accordance with the law formed part of Romanian domestic law. In other words, those treaties were incorporated into Romanian law and had the same legal force as other domestic legislation. However, the Constitution took precedence over all other laws, including international treaties. If an international treaty was incompatible with the Constitution, the Government would lodge an appropriate reservation at the time of accession to the treaty.

39. Article 20, paragraph 1, stated that constitutional provisions on the rights and freedoms of citizens should be interpreted and applied in accordance with the Universal Declaration of Human Rights and the other human rights instruments to which Romania was a party. Article 20, paragraph 2, provided that, in the case of incompatibility with domestic law, international human rights legislation would take precedence. That principle applied only to human rights legislation, not to international treaties dealing with other subjects. Romania was aware of the primordial importance of international human rights standards, which were valid throughout the world, without regard for national borders.

40. The provisions of article 20 had two main consequences. Firstly, the Parliament and other legislators must ensure that any draft laws were consistent with the relevant international treaties to which Romania was already a party. Secondly, the Government departments responsible for arranging the ratification of international treaties should check for any conflict with the Constitution and, if necessary, draft the appropriate reservations. It did sometimes happen that international treaties were not consistent with the Constitution. In those circumstances, he believed that France and Spain, for example, had actually amended their Constitutions in order to remove the conflict. That would not be possible in Romania, since article 51 proclaimed the supremacy of the Constitution over all legislation, domestic or international.

41. Members of the Committee had asked about the decline in the proportion of ethnic Hungarians in Romania. It was true that the Hungarian population had fallen by 0.6 per cent in 1992, as compared with figures given by the previous census 20 years before, but he believed that that was because more ethnic Hungarians - and ethnic Germans, for that matter - had availed themselves of the right, to leave the country, which had been granted to all citizens in 1990.

42. Members had asked about the position taken by certain Romanian political parties. The Hungarian Democratic Union of Romania (HDUR), which represented the Hungarian minority, had opposed the 1991 Constitution because it disputed the declaration in article 1 of the Constitution that Romania was a national State which was unitary and indivisible. At the beginning of 1995, it had explicitly stated its demands for territorial autonomy on an ethnic basis in certain departments of the country. The HDUR had been a member of the opposition coalition, the Democratic Convention of Romania, which had adopted a protocol in February 1995 on the 1996 parliamentary elections that had reconfirmed the declaration made in article 1 of the Constitution. The HDUR had refused to sign the protocol and resigned from the coalition.

43. Another political party, the National Union of Romanians (NUR), had been founded a few months after the HDUR and was open to all Romanian citizens, regardless of their ethnic origin, religion or political affiliation. Its aim was to defend the sovereignty, territorial integrity and independence of the Romanian State on the basis of political pluralism, the rule of law and a market economy combining public and private ownership. It had pledged to work for the implementation of the international human rights instruments to which Romania was a party and for the peaceful coexistence of all Romanian citizens, whatever their language or political convictions. It condemned all racist,

chauvinist and separatist sentiments and all violations of human rights. It had been the first in Romania to call for the signing of the Council of Europe's Framework Convention on the Rights of National Minorities, which Romania had signed on 1 February 1995, and it was now working to expedite the ratification process.

44. The Greater Romania Party claimed to represent the national ideals and socio-economic interests of the majority of Romanian citizens. Any citizen was free to join, regardless of ethnic origin or religion, and the party emphasized the need for respect for the Constitution and laws of Romania. Its practical activities included the distribution of the "Christian meal", a parcel of basic foodstuffs delivered to poor people who were unable to leave their homes to buy food; despite the name, the parcel was distributed to citizens from many national groups, including Jews, for example.

45. A number of other political parties had the word "national" in their names, but that did not denote any strong nationalist views; it merely meant that their political programme was valid for the entire country.

46. In February 1995, the Government had signed a protocol with three other parties, the Romanian National Unity Party, the Greater Romania Party and the Socialist Labour Party, in which they pledged to work for national reconciliation, protect human rights and fundamental freedoms, promote the legitimate claims and needs of minority groups and oppose all racist, anti-Romanian, anti-Semitic, Fascist and neo-Nazi views.

47. He stressed that a balance had to be struck between the rights of ethnic minorities and the need to preserve the sovereignty, independence and territorial integrity of the State. Almost all the international human rights instruments acknowledged the importance of maintaining that balance.

48. Mr. BADICA (Romania) said that he represented the Ministry of Labour of Romania. There were few problems with discrimination in labour matters, since such discrimination was forbidden in the Constitution, in the law on individual labour contracts and in the International Labour Organization's Equal Remuneration Convention, 1951 (No. 100), which Romania had ratified.

49. Labour administration, organized in Romania according to democratic principles, with guarantees of equality of rights in matters of employment, was similar to that in member countries of the European Union. There were still problems to be solved as a result of present circumstances, but they were faced by all of Romanian society, which had to bear the burden of poverty and the high cost of establishing democratic mechanisms.

50. Most of Romania's unemployed were nationals of the country and the greatest amount of unemployment was to be found in departments where the population was entirely Romanian, but there was no official discrimination with regard to members of minorities who were unemployed in comparison with Romanians in the same situation. The complete eradication of discriminatory treatment in employment, as in other areas, hinged on the solution of outstanding social, economic and political problems. The next periodic report would deal with the employment issue more exhaustively.

51. Mr. WOLFRUM said that his main concerns had not been dealt with either in the oral introduction by the Romanian delegation or in its answers to the first round of questions.

52. He still wished to know what practical steps the Government was taking to put an end to incitement to hatred. Commendable efforts had been made to protect the linguistic and cultural rights of minorities, but the see-saw movement of "hate speech" persisted and even seemed to be accelerating.

53. The first member of the Romanian delegation to address the Committee had placed great emphasis on the unity of the Romanian State. No one in the Committee could object to that. However, there might have been a misunderstanding about the meaning of the word "multiracial", as used during the discussion. In his view, the comment that more than just one ethnic group, as well as people with different cultural backgrounds, were to be found in Romania and the deduction that Romania could therefore be described as a multiracial State was in no way a challenge to the country's unity, as established by the Constitution. He was sure that no member of the Committee had sought to make such a challenge.

54. Mr. RECHETOV said that his questions had also not been answered, despite the detailed and complex nature of the Romanian delegation's replies.

55. He was not sure what was meant by the provision of the Constitution defining Romania as a "national State" and what the implications of that definition were for the country's legal system. Clarifications in that connection and with regard to the foundations of Romania's legal and political structure as a whole would be appreciated.

56. Mr. de GOUTTES said that he agreed with Mr. Rechetov's questions and would also like to have more specific information on any investigations, legal proceedings and penalties in connection with the many acts of violence and discrimination committed against members of minorities.

57. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) thanked the Romanian delegation for its detailed explanations. He considered that due allowance should be made for the fact that Romania was going through the process of transition from totalitarianism to democracy and trying to cope with economic imperatives as a matter of priority. He hoped that the next periodic report would provide answers to outstanding questions. For example, he understood that, while legal measures had been taken to rebuild the houses of Gypsies who had lost their homes in some of the incidents referred to, nothing had actually been done yet. Rising crime rates in rural areas could be seen as a reflection of the general increase in crime, but the Committee still had to determine what was being done to prevent and punish criminal acts relating to matters within its competence.

58. He understood that the relationship which the Constitution established between international treaties, particularly those dealing with human rights, and domestic law gave priority to the former in the event of conflict, but was not sure whether domestic legislation guaranteed the implementation of article 4 of the Convention, for example, or provided for proceedings, punishment or compensation in the event of violations of the rights covered by

the Convention as a whole. It was not enough to establish that relationship on paper. Its practical effects must also be demonstrated. The Committee would like to know more about the reform of Romanian legislation that was under way.

59. Another important question which required clarification in the next periodic report was the way in which the rights of minorities in Romania were guaranteed and their exercise ensured in a State which, if he understood articles 1 and 2 of the Constitution correctly, existed primarily for and through the majority population group. How was the principle of national unity reconciled with the acknowledged reality of multiplicity in the country's composition, whether that multiplicity was described as racial, ethnic, national, cultural or in any other way?

60. He assured the Romanian delegation that the Committee would do or say nothing that could be of comfort to secessionist movements, but it was entitled to seek answers to questions about matters within its mandate.

61. Mr. STANGU (Romania) said that, if he had understood the members of the Committee correctly, they considered that the presence of just two persons of different nationalities in the territory of a State would disqualify that State from calling itself "national". Whether or not a country with 90 per cent of its citizens of a single nationality, which provided in its Constitution for the rights of the remaining 10 per cent of citizens, which allowed no discriminatory provisions in its Constitution or in its legislation and which prohibited discrimination of any kind was entitled to describe itself as a "national State" might be debated by political scientists or philosophers, but Romania was wary of such debate because it could affect other aspects of the Constitution that were not open to question. He was not adverse to a further exchange of views on what was meant by terms such as "sovereign" or "unitary" or on the definition of isolationism, but there was obviously no time for that at present. Romania would deal with the question in its next periodic report and try to explain more clearly the intentions of those who had drafted the Constitution.

62. His delegation had done its best to answer the question of what the Romanian Government was doing to put an end to incitement to racial hatred and discrimination and to provide information on penalties imposed in accordance with the Penal Code, especially in connection with the disturbances mentioned during the discussion. He had before him a list of 30 cases in which proceedings had been instituted; some of them were already before the courts. In accordance with the principle of the separation of powers, it was the responsibility of the judiciary, not of the Government, to take the necessary steps for that purpose. The judicial authorities were doing their best, in very difficult circumstances, to determine what the disturbances, which had taken place two, not five years previously, had actually involved. His delegation had not been trying to prevaricate: it simply did not have the information requested at its disposal. He assured the members of the Committee that they would be fully informed on those and other related investigations and criminal proceedings in the next periodic report.

63. Mr. TRUTER (Romania) said that no one in Romania contested the role of national minorities in the country's economic, social, cultural and historical

development. A great many books and other publications were devoted to those minorities and their contribution to national unity. He pointed out that Greeks had been established on Romanian soil for 2,000 years, Albanians for 400 and Germans for 275.

64. It was part of the State's national character to protect its national minorities, to eliminate discrimination and to affirm and guarantee the equal rights of all citizens, regardless of ethnic origin.

65. The CHAIRMAN said that, notwithstanding certain members' views that the replies to questions and concerns had been inadequate and thanks in great measure to the Country Rapporteur's penetrating analysis, the exchange with the Romanian delegation had been on the whole a good one. The assurance had been given that outstanding issues would be dealt with in Romania's next periodic report.

The meeting rose at 5.55 p.m.